



UK/EU

## UK takes lead on surveillance of passengers

"Security and immigration" risks to be stopped from boarding

The UK government is planning to introduce an "Authority to Carry" scheme which will see all passengers entering or leaving the country being checked against police and security databases to see if they are a "known security or immigration risk". If they are identified as a "risk" they will not be allowed to board the plane. The only country to currently operate such a system - the Advanced Passenger Information System (APIS) - is Australia. The USA too is planning to introduce the same system.

The UK plan came to light when it sought to amend a draft EU proposal by calling for passenger data to be handed over before a flight has taken off rather than when it takes off.

[The proposal] does not support the board/not board principle of the UK "Authority to Carry" scheme, which is currently being developed and for which there is already provision in UK legislation. It relies on carriers transmitting passenger information at the time of check-in and will enable a check to be made against Home Office (Interior Ministry) databases and, in the event that the passenger is identified as a known security or immigration risk may result in authority to carry the passenger being denied. (EU document: 13363/03, 15.10.03)

The UK legislation referred to is the Immigration (Passenger Information) Order 2000 (based on an amendment to the 1971 Immigration Act in the Immigration and Asylum Act 1999, Section 18). The Order requiring information on passengers to be handed over applies to ships and aircraft which are "expected" to arrive in or leave the UK. Passenger information can be requested on a specific plane or for "all the carrier's (ships or aircraft)". A "request" placed on a carrier "continues in force" until withdrawn or renewed (which it can be every six months). The data required is not restricted to "foreign nationals", it covers all passengers including UK and EU citizens. Up to now the power has only been used for specific flights or flights from and to specific destinations (eg: Pakistan).

### The EU proposal

In February the Spanish government put forward a proposal for an EU Directive requiring all airlines to collect and pass over

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See: [www.statewatch.org/pnrobservatory.htm](http://www.statewatch.org/pnrobservatory.htm)

suspected criminals and terrorists.

could, in time, be applied to protestors or critics as well as immigration "risks". The term "security" risk is not defined and intends to proceed with the wholesale surveillance and screening of travellers and denial of permission to board for "security or

Whatever happens to the EU proposal the UK government passenger data to the USA.

background of major objections in the EU to handing over airline databases being consulted. And this is all happening against the law and "it will not be possible to delete information" from the intelligence databases) would be contrary to its data protection the further processing of data (checks against security and proposal as foreign nationals are checked anyway on arrival, that data protection law). Greece too sees no added value in the foreign nationals... can be considered not to be excessive" (under Sweden "is not convinced that a routine-like collection of data of terrorism (and this could not be legal under Title IV TEC). wants data to be held for six months but says it should not cover added value" in "combating illegal immigration" but "the proposal to include terrorism holds promise". The Portuguese The Netherlands government says that the proposal has "no have entered".

and says data "shall immediately" be deleted after "passengers weak on "data processing" (no rights of data subject are set out) made at "the airport of arrival" (not the airport of departure); 4) 2) limited to "foreign nationals"; 3) provides for checks to be is: 1) limited to air travel and combating "illegal immigration"; government had no such concerns. The latest draft, 27 October, excluding checks on EU citizens (Draft of 11.7.03). The UK the term "people" should be replaced by "foreign nationals" thus July a number of other EU governments successfully argued that stating that the UK intended to participate in the proposal. On 9 Brussels wrote to the Council of the European Union formally June the Permanent Representative of the UK government in should be gathered on all "people" arriving in the EU. On 25 combat "illegal immigration" and in the first draft said data passenger data for vetting. The purpose of the proposal is to

for Al Qaida, were said by the journalist to be gatherings of friends in which political and religious issues were discussed. When he was asked about payments made in 1995 when he travelled to Afghanistan and Turkey, Alouny said he had given some money to compatriots abroad, but did so in "solidarity" with Syrian exiles and as a wedding present, in another case. Alouny's wife expressed concern over the arrest due to her husbands poor heart condition, adding that he is kept "incommunicado".

On 18 September five more Al Qaida suspects were detained on orders issued by Baltasar Garzon, four of whom are suspected of helping to finance the cell and of links to Tayseer Alouny. Garzon has begun proceedings against 35 people, including Osama Bin Laden, 11 have been arrested of whom 3 are in prison in Spain.

In a letter to the Spanish prime minister Jose Maria Aznar, *Al Jazeera's* directors and staff asked for "our comrade Tayseer Alouny to be freed immediately". The letter goes on to state that Alouny "had not done anything wrong apart from sending impressive and first-rate reports from Afghanistan, one of the worlds most difficult and dangerous places". Describing the charges against Alouny as "verging on the absurd", the letter explained that "a journalist, and particularly a correspondent, usually establishes contacts with several sources", and that "On several occasions, western journalists have held secret meetings with clandestine organisations without ever being prosecuted for carrying out their work." Alouny, the *Al Jazeera* correspondent in Kabul during the war in Afghanistan, interviewed Bin Laden after the 11 September 2001 attack on the US, and he also covered the development of military operations in Iraq for the Qatar-based television company. In both instances (in Kabul and Baghdad) the offices of *Al Jazeera* were bombed by the armed forces.

*Al Jazeera* 9.9.03; *El Pais* 6, 7, 12, 13, 19, 21.9.03

## Civil liberties - new material

"Killing you is a very easy thing for us": Human Rights Abuses in Southeast Afghanistan. Human Rights Watch vol. 15 no. 05 (c) (July) 2003, pp. 104 This report, based on field research conducted from January to June 2003, concludes that "warlords and military commanders are becoming more and more entrenched" in post-war Afghanistan. If this situation is "allowed to continue with impunity, these abuses will make it impossible for Afghans to create a modern, democratic state." The organisation highlights three main types of abuse: "violent criminal offences - armed robbery, extortion and kidnappings - committed by troops, police and intelligence agents; governmental attacks on the media and political actors; and violations of the human rights of women and girls." The report blames the US government, which "has done much to entrench the warlords responsible for the worst abuses" and other key UN member states, "particularly those of the European Union and Afghan neighbours" for "failing to expand international peacekeeping forces beyond Kabul to problematic areas." Available from Human Rights Watch, 350 Fifth Avenue 34th Floor, New York, NY 10118-3299, U.S.A. <http://www.hrw.org>

"The US army wants to execute my boy". *Socialist Worker* 19.7.03, p. 5. Interview with Azmat Beggs, the father of Moazzam Beggs, one of two British prisoners interned without trial in Guantanamo Bay, Cuba, who face US kangaroo court justice. He accuses the "prime minister of abandoning people who have done nothing, and who would be freed by courts in this country."

**The road to war**, Robin Cook. *Sunday Times News Review* 5.10.03 Extracted from former Foreign Secretary Robin Cook's diaries, this article reports his claim that Tony Blair, the Prime Minister, privately conceded, two weeks before the invasion of Iraq, that Saddam Hussein did not have any weapons of mass destruction. Cook also says that the chairman of the joint intelligence committee (JIC), John Scarlett,

## IMMIGRATION

SPAIN/CUETA

## Police evict Medecins Sans Frontieres camp

On 21 September 2003 the police raided and cleared the camp that *Medecins Sans Frontieres* (MSF) had established in El Jaraal, to look after asylum applicants and undocumented migrants for whom there is no space in the *Centro de Estancia Temporal de Inmigrantes* (CETI, Temporary Immigrant Holding Centre). With this act, Spain has become the first country to dismantle a camp run by the MSF (a doctors humanitarian organisation that won the 1999 Nobel Peace Prize). The measure was adopted by the government shortly before Gabriela Rodriguez, the United Nations rapporteur on the rights of migrants, was due to visit the camp. The 350 evicted refugees were "relocated" in the CETI in spite of the fact that it was full.

Some of those who found themselves in the tents put up by the MSF fled, fearing they would be expelled. The camp had registered up to 450 migrants and refugees. A report released by the MSF states that 95% of the people in the camp are asylum applicants and that 64% of them have health problems. Within ten days of the eviction, 150 refugees and undocumented migrants were locked out of CETI's because they were full. The MSF is looking after them. A statement by Carlos Ugarte, responsible for MSF projects said that, "what is truly worrying is that inside the CETI there are 650 migrants, around 200 more than the maximum number allowed, and they are sleeping in a library and a couple of classrooms that have been fitted out as dormitories."

IRELAND

## No more right to remain for parents of Irish born children

Eleven thousand asylum seekers face immediate deportation after Minister of Justice Michael McDowell announced on 17 July that their claims for residency solely on the basis that they have become parents of Irish citizen children have been nullified. Officials immediately issued 400 deportation notices. People were told that they only had 15 days to appeal, but without legal aid for a process that could cost between 2,000 to 4,000 euros. The decision follows a Supreme Court ruling on 23 January this year that removed the right of parents to remain with Irish born children. While these Irish children cannot be legally deported,

**Military Justice? The proposed use of US military commissions to try detainees at Guantanamo Bay**, Clair Phyllis. *British Institute of Human Rights Newsletter* Autumn 2003, pp.2-3. This article concludes that "The... proposed military commissions appear to be less trials of law than a series of procedural formalities, particularly since the higher echelons of the US government have already concluded that the detainees are terrorists. The risk of verdicts being of a political nature reinforces the need for judicial oversight by civilian courts. The sanctioning by the UK and other governments of the use of such courts without guarantees of full due process would not only set a dangerous precedent for other states to follow, but would be a travesty of justice."

and both had assented in it."

agreed that Saddam had no such weapons. Cook writes: "I had now expressed that view [that Saddam did not have weapons of mass destruction] to both the chairman of the JIC and to the prime minister



march, in order to show that they are not tolerated in Munich.

The public prosecutor ruled that the legality of a demonstration was decided by courts and not by citizens. The fact that even the Social Democratic mayor of Munich, Christian Ude (Sozialdemokratische Partei Deutschlands), had publicly called on people to block the way of nazis did not impress the court. The sentence created outrage in the overfilled court room and several people were ordered by the judge to leave, including the head of Munich's Green Party Siegfried Benker, who will be standing trial in October for opposing the far-right demonstration.

Whilst the Bavarian court prosecutes anti-fascists for organising a peaceful counter-demonstration with the argument that the state decides on matters of fascism, many have asked if the state is indeed able to protect the Jewish community and foreigners from fascist attacks. The failure of the internal security services to stop the activities of the neo-nazi organisation that was behind the planned bomb attack in Munich has yet again thrown up serious questions with regards to the security services and the far-right in Germany (see *Statewatch* vol 12 nos 1 & 3).

Martin Wieser, who registered the nazi rally with the Munich authorities, is a 27-year old and part of the neo-fascist group *Aktionsbündnis Süddeutschland* ("Action Alliance South Germany") and the 30-40 strong skinhead group, *Kameradschaft Süd* ("Comradeship South") which is known for its violent attacks on foreigners in Munich. The latter planned a bomb attack on the Jewish community centre and synagogue in Munich for 9 November this year, the anniversary of the *Reichspogromnacht* - when in 1938 the German SA and SS burnt down synagogues and Jewish shops across Germany and deported more than 30,000 Jews to concentration camps the next day. Wieser moved from Mecklenburg-Vorpommern to Munich three years ago and allegedly also took part in the attack on the asylum seekers home in Rostock in 1992. He is known for his active opposition to the above-mentioned exhibition uncovering war crimes committed by the German regular armed forces. In August this year, he spoke at a 2,400 strong nazi rally in Wunsiedel in commemoration of Hitler's former deputy Rudolf Hess.

The Bavarian Interior Minister, Günther Beckstein, and the German internal intelligence service (*Verfassungsschutz*) presented the find of 1.7 kg of the explosive TNT at the home of Wieser and fellow fascists at the beginning of September this year as a success. However, research by the investigative television journal *Kontraste* has shown that whilst the Munich police department responsible for "political extremism" successfully investigated the former concentration camp victim Löwenberg, the Bavarian secret services were completely unaware that Wieser and his colleagues had already obtained explosives in May this year and had been building a pipe bomb.

They were unaware of this despite the fact that the Bavarian *Verfassungsschutz* had been investigating Wieser and his "comrades" for their violent activities in the skinhead group until 2002, because at the beginning of 2003 the internal security service came to the conclusion that the *Kameradschaft Süd* was "less dangerous" ("minder gefährlich"). The only reason they searched Wieser's house was because one member of *Kameradschaft Süd* wanted to leave the nazi scene and was beaten up by his "comrades". When bystanders called the police he gave them information about the explosives and planned bomb attack. Police searches followed and uncovered 1.9 kg of explosives (1.7 kg of which was TNT), pistols and hand grenades. Since 9 September this year, nine neo-nazis, Wieser among them, have been detained, the prosecution having brought charges against them on grounds of the formation of a terrorist organisation, amongst others. Apart from the synagogue attack, an more extensive hit-list was found in Wieser's flat.

## ITALY

### Berlusconi's brave new world

In an extraordinary interview given to the *Spectator* magazine, Italian prime minister Silvio Berlusconi spoke of his world-view and tackled some of the criticisms that have been levelled at him. He dismissed his reference to the German SPD politician Martin Schulz MEP as a *kapo* (Nazi concentration camp prisoner turned collaborator) as a "joke"; he denied that he controls a sizeable portion of the Italian media; he claimed that his trouble with the law is the result of a conspiracy by Italian magistrates (which he believes is strongly infiltrated by Communists), said that criticism by journalists is motivated by "jealousy"; he argued that the Italian left should have been put on trial for "their moral complicity with the crimes of the Communist regimes from Stalin to Pol Pot to Milosevic".

On his support for the US-led war on Iraq, he explained that, "if a brother goes into a certain business and for three months I say, "I beg you not to do it", and when he does it, well he is my brother, and I support him, even if not to the point of supporting all his losses!". The "brotherly" relationship results from the fact that "we are alive today because of the US...who liberated us from nazism and communism". He does not believe that Blair and Bush lied on the question of Iraq's weapons of mass destruction because "I believe Blair and Bush because I look into their eyes and I believe them". In fact he feels that before focusing on the need to "give the poor of the world food, water, education, sanitation", the priority should be to give them "liberty".

He even argues for a more interventionist approach to international relations, because after the fall of the Berlin Wall, "we are now able, with Russia and America together, to look at all the States in the world, and assess the dignity of all the people in the world, and we can give them democracy and liberty. Yes! By force if necessary."

The two claims made by Berlusconi which drew the greatest criticism in Italy concerned judges and Italy's fascist past. Judges are "mad twice over", because of their political beliefs, and because "to do that job you need to be mentally disturbed, you need psychic disturbances", as well as being "anthropologically different". After these suggestions that left-wingers are in fact mad, and that judges also have intrinsic mental health problems, he explained that "That is why I am in the process of changing everything", possibly in reference to reforms that are underway to prevent judges from talking to the press and to increase political control over judges, as part of the re-structuring of the judiciary. With regards to Italian fascism, in the context of the Iraq War, Berlusconi said that it was "a much more benign dictatorship", flippancy arguing that "Mussolini did not murder anyone", but rather he "sent people on holiday to confine them" on islands that are now exclusive resorts, in reference to people who were banished and/or interned in places like Capri.

The reaction by the leaders of the opposition parties in the Italian parliament was immediate: "Mussolini was a murderer and Berlusconi shows that he is unfit to represent a democracy that was born from the fight against nazi-fascism". Mussolini was responsible for the murder of his political opponents; the most famous cases being the murders of socialist MP Giacomo Matteotti, Antonio Gramsci, Amedeo, don Minzoni and the Gobetti brothers. Fascist gangs also killed a dozen people considered to be dissidents. The *Associazione Nazionale Partigiani d'Italia* (ANPI, Italian National Partisans Association,

For the investigative piece by Kontraste see:

[http://www.kontraste.de/0310/manuelkrupic/txt\\_neonazis.html](http://www.kontraste.de/0310/manuelkrupic/txt_neonazis.html);

For a more in-depth article on the Munich Nazi arrests and their background see: *junge welt* 23.9, 1.10.03.

## Racism & fascism - in brief

■ **France/European Parliament: Le Pen loses seat:** The extreme right-wing leader of the *Front National*, Jean Marie Le Pen, lost his European parliament seat in April when the EU's Court of First Instance dismissed his challenge to a barring order issued after he assaulted a rival politician. The incident occurred in 1997 when Le Pen hit Annette Peulvast-Bergeal during a parliamentary election campaign. He was convicted of assault the following year and temporarily banned from holding public office in France. The decision was upheld by the French Council of State in 2000 and in October of that year he was stripped of his EU parliament seat. The ban was lifted in January 2001 after Le Pen lodged an appeal. It was this appeal that was rejected on 10 April.

■ **Switzerland: Far-right general election victory:** The far-right Peoples Party (SVP), led by the anti-immigrant German-speaking billionaire Christoph Blocher, won 27% of the votes in October's parliamentary election, winning an extra 11 seats in the lower house of parliament and increasing its total number of seats to 55. The Social Democrats received 23% of the vote and the Greens nearly 8%. The right wing Radicals (FDP) and Christian Democrats were the main losers. The SVP ran a virulent anti-foreigner campaign, in which asylum seekers were demonised as criminals and drug dealers. It was criticised by the United Nations refugee agency who said that it was some of the most anti-asylum advertisements ever seen in Europe. Boucher is expected to take a second seat on the seven-member cabinet.

## Racism & Fascism - new material

The British neofascists, John Kampfer, *New Statesman* 12.5.03, pp.18-20. This piece examines an "intriguing new alliance [that] is forming in British politics" which "lies beyond conventional party structures". The UK neo-conservatives are "a coalition between conservative thinkers and their pro-war, pro-intervention counterparts who hailed from the left" including David Aaronovitch (*Guardian* journalist), John Lloyd (former editor of the *New Statesman*), Stephen Pollard (ex-Fabian Society and the Social Market Foundation), Danny Finkelstein (former Social Democrat and would be Conservative Party candidate), Michael Gove (assistant editor of *The Times*) and Melanie Phillips (*Daily Mail columnist*).

Denmark's "exotic" exhibitions, Rikke Andreassen, *Race & Class* vol 45 no 2 2003 pp. 39-53. Andreassen recounts the series of ethnographic exhibitions in Denmark between 1878-1909 and their impact as mass audience entertainment. He describes the public obsession with "naturalness" and "authenticity" leading to a positive image of "noble savages", unspoilt and in tune with nature. Nonetheless they were also seen as backward and uncivilised; lacking in "cultural history". Andreassen argues the (often deliberately exaggerated) sexuality of these "exotic" people "was an integral part of the period's European discourse on sexuality...." Moreover, this discourse was a male one and thus unconsciously perhaps these exhibitions represented an attempt to "control and "narrate" a hierarchical world order" - a strengthening of European culture and identity, what Andreassen describes as "a white male European version of history".

**Bringing it all back home: Irish emigration and racism**, Bill Rolston, *Race & Class* vol 45 no 2 2003 pp. 21-38. Rolston focuses on the emigration of "Scots Irish" and "Irish Catholics" to the USA and the social world they encountered. He charts the role over time of these Irish immigrant classes in a society of racial and religious prejudice coupled with an unforgiving system of economic liberalism. In particular he focuses on their relationship with African-Americans and the racism directed towards them both during slavery and the escalating racism with their emancipation - which was seen by the "Irish" as a major threat to their own economic and social struggles. Racism played a large role in Irish social assimilation and advancement: "They

## EUROPE

### EU

## European imperialism?

Robert Cooper, a senior UK diplomat who advised Tony Blair, now works for Javier Solana the Secretary General of the Council of the European Union and the High Representative on defence and foreign policy. In April 2002, which still working for the British government, Cooper wrote an article entitled "Why we still need empires" in the *Observer* newspaper (7.4.02) which argues for intervention on behalf of "civilisation" against "chaos" (barbarism, "rogue states") and calls for a new "colonialism" or "liberal imperialism" to impose order. Now Cooper works for Mr Solana and has written a follow up article, "Civilise or die" in the *Guardian* (23.10.03). His argument here is that the possibility of terrorists acquiring weapons of mass destruction means that: "We should all be in favour of regime change" because "our only defence against such a world is the spread of civilisation" which means:

*The domestic governance of foreign countries has now become a matter of our own security.*

Containment will not work and "empire" (direct rule) is unacceptable, he argues. The model he espouses is based on the incorporation of central and eastern European countries into the European Union where there has been a "kind of regime change". But this has been "chosen" by those countries and is therefore legitimate (how much real "choice" these countries had is a matter of debate). The accession of these countries represents the spread of civilisation and good governance in lasting form

This leads him to propose that there needs to be a regional settlement in the Middle East with "security guarantees" (military presence) by the USA or NATO and economic guarantees of aid and market access by the EU. The price would

**EUMC internet guide on organisations combating racism and xenophobia in Europe**, Beate Winkler & Bent Sorensen (eds), *European Monitoring Centre on Racism & Xenophobia* 2003, pp. 112. "This internet guide contains a selection of websites from organisations and institutions actively doing important work to combat racism, xenophobia, anti-Semitism or Islamophobia on international and/or national level in all Member States."

**Investigating allegations of racially discriminatory behaviour. Police Complaints Authority guidelines.** *Police Complaints Authority* (July) 2003, pp. 18 (ISBN 0-9543215-2-9. These guidelines are intended to assist in the development of the complaints process as a means of raising the standard of policing". It is a reflection of the report of The Stephen Lawrence Inquiry (1999) in which Sir William Macpherson stated that: "Appraisal, supervision and disciplinary procedures should be used to make clear to all staff that the service is committed to a policy of non-tolerance of racist conduct."

*www.sagepublications.com*  
*Publications, Tel (0)20 7374 0645, subscription@sagepub.co.uk*  
on contemporary attitudes in Irish society". Available from: Sage Atlantic: "the intermingling of racism and anti-racism has left its mark settlers, but concludes that it did influence friends and family across the for caution against generalisation over the level of racism amongst Irish support for the Irish struggle for freedom. He also emphasises the need reciprocated and indeed cites several examples of African-American opportunity. Rolston notes that remarkably this racism was not and offensive than those of their WASP bosses". Thus they forced justified their [social] mobility through racist sentiments no less intense



## The criminalisation of migrants

Research published last month in the journal *Punishment & Society* shows that there exists a big overrepresentation of foreigners in European prisons. Dario Melossi, of the University of Bologna, has calculated the ratio of the percentage of foreign inmates to the percentage of resident foreigners from countries other than European Union in each EU member state (see column d). The ratios vary from 2.7 times for the UK to almost 20 times for Greece. The statistics reproduced below have been updated for *Statewatch* by Dario Melossi.

The percentage of foreigners in the total number of prisoners (column b) is no less staggering – they make up almost 60% in people in Luxembourg's jails, 48.4% in Greece, and over 40% in Belgium. More than one-fifth of the prison population are foreigners in Austria (30.1%), France (21.6%), Germany (34.1%), Italy (29.6%), the Netherlands (30.3%) and Sweden (21.3%).

Melossi makes a number of points in relation to these statistics. The ratios should be considered with caution because the figures on inmates were taken eight months after the figures on residents (1 September 2000 and 31 December 1999 respectively). The resident population of foreigners may have increased during this period, producing an inflated ratio. With

### Foreign population in the penal institutions of the EU on 1 September 2000

Data categories				
	Number (a)	% (b)	% (c)	Ratio (d)
Austria	2,077	30.1	9.2/8	3.8
Belgium	3,501	40.4	8.8/3.3	12.2
Denmark	557	17.0	4.9/3.9	4.4
Finland	168	6.2	1.7/1.4	4.4
France	10,553	21.6	5.6/3.5	6.2
Germany	26,839	34.1	8.9/6.7	5.1
Greece	3,892	48.4	2.9/2.5	19.4
Ireland	217	7.5	3.1/0.8	9.4
Italy	15,582	29.6	2.2/1.9	15.6
Luxembourg	233	59.1	36/4	14.8
Netherlands	4,196	30.3	4.1/3.0	10.1
Portugal	1,540	12.1	1.9/1.4	8.6
Spain	8,470	18.8	2/1.2	15.7
Sweden	1,211	21.3	5.5/3.6	5.9
United Kingdom	5,716	8.3	3.8/3.1	2.7
European Union			5.0/3.6	

*d) Ratio of % foreign inmates to % foreigners from outside the EU.*

*c) Percentages of foreigners in resident population / percentage of foreigners from outside the EU in the resident population (my elaboration of data from CARITAS 2002:35) at 31.12.1999.*

*b) Percentage of foreign prisoners of the total number of prisoners (data Council of Europe, SPACE 2000.3, as revised by ISTAT (2003:71)) at 1.9.2000.*

*a) Number of foreign prisoners (data Council of Europe, SPACE 2000.3, as revised by ISTAT (2003:71)) at 1.9.2000.*

## Germany: Return to the lager system

### Actions against "departure centres" mark growing protests against refugee and migrant detention worldwide

Contemporary political thought increasingly identifies immigration detention in the industrialised world today as a "new" form of *lager*, a word typically used in connection with internment during European nazi regimes.

The *Lager* is an administrative space in which men and women who have not committed any crime are denied their right to mobility. In this sense, it is perfectly legitimate to identify present-day detention centres as *Lagers*. It is also valid to point out that such spaces, which are associated with one of the blackest periods in European history, have not disappeared from the contemporary political scene. On the contrary, they have experienced a general diffusion throughout the

so-called *West* - Sandro Mezzadra (University of Bologna)

The ongoing debate looks at state practices that "criminalise" non-citizens and imprison and/or deport them in the context of globalisation, migration and labour. It is increasingly informing the protest movement against immigration detention, where different forms of detention are seen to serve different functions in the state's attempts to control "irregular" migration and labour markets. With the increase, privatisation and diversification of immigration detention worldwide, there has also been a growth in protests against, and some break-outs out of, immigration prisons and victims of immigration detention increasingly resort

this in mind, it is suggested that the high proportion of foreigners in a prison population reflects "criminalisation" as much as "criminality". In Italy, for example, foreigners are ten times more likely to be stopped by police on foot and the ratio of convictions to imprisonment appears strongly related to social status. In addition, EU states have created specific criminal offences for foreigners, such as illegal entry and residence. While some immigrants have become involved in criminal activities this is hardly surprising given their circumstances. Melossi suggests that "the degree of involvement" and "its public representation" are "also obviously socially constructed" (p.379).

On the increased ratios in Greece, Spain and Italy, Melossi suggests that it may not be fair to compare southern European countries, where immigration is a relatively newer phenomenon, with countries with a colonial past. It is pointed out that there are black people in countries like France and the UK who are in prison because of social mechanisms not unlike those that those that lead to foreigners' imprisonment, but obviously they do not show up in the foreigners' statistics.

In a thoughtful and thorough analysis, Melossi situates his research within the "recurring process of forced inclusion, subordination and 'subjectivation' of recruits into a new draft of the European working class".

Dario Melossi, "In a peaceful life": Migration and the crime of modernity in Europe/Italy, in 'Punishment and Society', Vol 5 (4), Symposium Issue of Migration, Punishment and Social control in Europe edited by Dario Melossi, October 2003 (Sage, <http://www.sagepub.co.uk/eaccess>).

starting to develop a certain mood of hopelessness and disorientation. He openly admits that the aim of departure centres is to force people to "capitulate". The refugee Hasta Bahadur Rai who was imprisoned in the Braunschweig "departure centre" in 2002 commented in an interview:

Rai: "We have a four square metre room which we share with four people. It houses four beds and two cupboards. [We have] no [private space] at all. They come at 6 o'clock in the morning with the police and interpreters and confiscate our things: mobile phones, papers, notepaper. They say they are looking for evidence... [of] when we leave the centre] they always ask "where were you", "what did you do?", "We are interrogated, sometimes twice a week. Sometimes they scream at us. They always ask the same question: where do you come from?" Interviewer: And do you answer?

Rai: Of course. I'm from Bhutan, but my tribe was declared non-Bhutanese and persecuted. Now no embassy feels responsible for me, not Bhutan, nor India or Nepal.

Criticism of the centres is directed in particular at the all-encompassing control measures, psychological pressure, lack of privacy and restriction of movement and in some cases inadequate nutrition. Asylum support groups, self-organised refugee organisations as well as the Bavarian branch of the German trade union umbrella association DGB (*Deutscher Gewerkschaftsbund*) have protested against FÜRth and other centres. They demand their immediate closure. They argue that the purpose of the centres is a violation of the right to personal freedom and the aim to force capitulation constitutes coercive detention, which is unconstitutional in Germany. Further, the detention is arbitrary as the aliens authorities decide without any proof or court verification whether a person conceals his or her identity. People without identity documents are automatically accused of concealment, however, case studies have shown not only that stateless persons are kept in "departure centres" but that there have also been cases where people deported to their country of origin have been imprisoned and tortured. The fact that the German authorities work closely together with the embassies of presumed countries of origin (a practice to be intensified, according to the Bavarian concept paper) directly endangers the refugee or migrant who is then finally deported with the knowledge of their former "torture state".

As immigration detention is increasing and diversifying, so is the protest against it. In September 2002, anti-detention groups in Germany formed a national network (*AAA Kampagne*, see <http://www.abtschiebehaft.de>) and on 30 August this year they initiated a national day of action against deportation and detention. They chose 30 August because, on the same day 20 years ago, deportation practices led to the first known victim on German soil when the Turkish asylum seeker Kemal Altun committed suicide by jumping out of a window of the administrative court in West Berlin where his case was to be decided. A year earlier the Federal Crime Police had asked the Turkish authorities if they were interested in an extradition of the 23-year old Turk who was active in the democratic opposition movement in Turkey. Turkey consequently lodged an extradition request which received much public attention and criticism in Germany, whilst Kemal spent 13 months in deportation detention (23 hours a day alone in his cell).

Other deaths followed. On 30 August 1994 Kola Bankole suffocated on his deportation flight with *Lufthansa* whilst being restrained by Federal Border Guards. In 1999 Rachid Sbaai died in his detention cell in Büren/Berlin; officers claim he set fire to his cell, but an inmate says he heard Rachid screaming for help for 15 minutes before he died. In 2000 Alankhou Dagwasoundei died trying to escape from the sixth floor of the Berlin-Köpenick deportation prison. These are only some of the many deaths resulting from deportation practices and

## Opposition to detention camps

imprisonment in Germany. At the beginning of 2003 there was an unprecedented wave of hunger strikes, suicide attempts and self-harm by refugees and migrants in detention, in particular in the Berlin-Köpenick deportation prison.

Between 11-14 September this year, self-organised refugee organisations such as *The Voice* and activists from anti-detention groups and the *no one is illegal* network organised a camp against the *Fürth Ausreisезentrum* on its first anniversary. Several street actions, demonstrations with up to 700 people, called for its immediate closure. Police stopped refugees before, during and after the event, presumably with the aim of checking their travel permits. A bus from Jena, where *The Voice* has a strong representation, was stopped before it had left the city. After the events another bus with asylum seekers was stopped and 15 people who lacked a travel permit are now facing fines which, unless they refuse, they will have to pay out of their meagre monthly allowance.

But there is also a growing trend towards more radical opposition to immigration detention. The most prominent protest saw demonstrators breaking down the fences of the notorious Woomera detention camp in Australia, which led to the successful escape of numerous refugees and migrants; fifteen people are still free from 2002 breakouts. On 4 February this year, six inmates were freed from Woomera prison by masked activists who overpowered the guards. Woomera has been criticised by human rights groups including Amnesty International for prison guard brutality and inhumane conditions. It was closed in April this year, only for inmates to be transferred to the newly opened Baxter detention centre.

Italy has also seen growing anti-detention protests. Apart from the demonstrations against *Via Corelli* in 2000 (see *Statewatch* vol 10 nos 3/4) which led to its closure (but not to the freedom of those imprisoned), a large demonstration took place against the Corso Brunelleschi *centro di permanenza temporanea* (detention centre) in Torino on 30 November 2002. Several refugees and migrants were freed from the Bari Palese detention centre on 28 July this year when activists from the *noborder* camp which was held nearby cut the fences. On 24 August, around 60 Dutch activists cut the fences at Deliden deportation centre which imprisoned young migrants and refugees. Inmates there have made repeated suicide attempts. Protests against the Dungaev "removal centre" in Scotland this year, which also imprisoned children, have also received wide public support. In the UK the *No One Is Illegal* Group says that:

*We should argue for campaign slogans to reflect a position of opposition to controls, not that refugees are our friends or refugees are welcome, but slogans which recognise that we are in favour of freedom for all as a charity: "No One Is Illegal - Free movement and No immigration controls." (www.noii.org.uk)*

*analyse & kritik* Nr. 474, 20.6.2003, *Ausreisезentren - Der Reader* (<http://iolo.a-d-a-s-h.org/~rp/az/index.php?link=kampagne/Reader6.pdf>); *Bavarian state ministry of the interior press release 10.9.03*; *junge Welt* 29.8.03; [www.noborder.org](http://www.noborder.org): For more information: Short video clips about the *Fürth action days* (many in English): [http://kanalb.de/index.php?link=ATFuerth/Docs/\\_Docs.htm](http://kanalb.de/index.php?link=ATFuerth/Docs/_Docs.htm); "What is a camp?" by Savendriti Pereira: [http://www.borderlandsejournal.adelaide.edu.au/vol11no1\\_2002/perera\\_ca.htm](http://www.borderlandsejournal.adelaide.edu.au/vol11no1_2002/perera_ca.htm); For the political debate around analysis immigration detention *as Lagers: "Né qui, né altrove-Migration, Detention, Desertion: A Dialogue"* (Sandro Mezzadra & Brett Neilson); [http://www.borderlandsejournal.adelaide.edu.au/vol12no1\\_2003/mezzadra\\_neilson.htm](http://www.borderlandsejournal.adelaide.edu.au/vol12no1_2003/mezzadra_neilson.htm); <http://melbarchive.indymedia.org/woomera-archive.php3>



embarrassing personal information held) informers/agents who are recruited from within a target group or who are encouraged to join a group and act undercover.

The figures for CHIS are provided for the first time:

About 5,900 CHIS were recruited. 5,400 ceased to be used; and about 5,000 were active at the end of the year. The figures for the previous year were 5,400, 4,900 and 5,400 respectively

The figures exclude CHIS recruited by MI5 or MI6 - see Statewatch vol 13 on the "Special Branch" which includes the practice of MI5 recruiting CHIS on behalf of the SB. The "rounded", exact, numbers - "5,000" and "5,400" - suggest that the real figures are slightly different, eg: 5,083.

However, it is the impression created by the overall figures which is misleading. The figures given for informers/agents seem implausible when the total number of police forces and 52 police forces in England, Wales, Scotland and Northern Ireland plus the National Crime Squad (NCS), the National Criminal Intelligence Service (NCIS), "HM forces in Northern Ireland, HMCE, the British Transport Police and the Ministry of Defence Police". In addition CHIS are used by eight government departments - "some make significant use of covert surveillance and CHIS powers" - local councils (who make limited use of CHIS) and national health authorities.

A more accurate figure - but still an underestimate - may perhaps be found by looking at the figure another way. The overall figures are:

CHIS Recruited	Ceased to be used	Active at year end
2001-2 5,400	4,900	5,400
2002-3 5,900	5,400	5,000

This means, for example, that during 2002-3 a total of 5,900 were recruited and 5,400 were active during the year but "ceased to be used" over the same period. This would give a total of 10,300 active during a year in 2001-2 and 11,300 during 2002-3 and probably represents a more accurate picture.

## Inspections

Last year the Commissioner complained of lack of staff to properly do inspections. This time he notes "modest changes to the complement" - which suggests he is not very happy. The Commissioner is responsible for inspecting 66 authorities annually, 16 authorities every other year, 441 local authorities ("as frequently as the first two categories allow") and 19 other government departments and agencies (for which no inspections are provided for). Moreover, many of these 542 authorities "have many branches or departments".

## The surveillance of communications - highest ever

The annual report of the Interception of Communications Commissioner for 2002 was published in September 2003. Like the one for 2002 the report appears to show that the number of warrants issued looks to be the lowest for years. However, the true picture is quite the reverse.

On the face of it the number of warrants issued to conduct communications surveillance (telephones, mobiles and letters) fell in England and Wales in 2002 to 1,446 compared to 1,763 in 1998 and in Scotland from 292 in 2000 to 139.

## Interception warrants issued in 2002:

England & Wales	Scotland	total
1990 515	66	581
1991 732	82	815
1992 874	92	966
1993 998	122	1,120

However, he then notes that the figures provided only cover warrants issued by the Home Secretary and the First Minister for Ministry of Defence (MOD) in the course of the 2002.

Foreign Office, the Home Office, the Scottish Executive and the Service for Northern Ireland, HM Customs and Excise, the Metropolitan Police (MPSB), Strathclyde Police, the Police Criminal Intelligence Service (NCIS), the Special Branch of the (MI5), the Secret Intelligence Service (MI6), the National

The Commissioner says he has visited the Security Service surveillance has more than doubled.

Labour government came to power in 1997 communications

No figures have ever been provided on Northern Ireland and GCHQ. Until 1996 the highest annual number of warrants issued was 1,682 in 1940 during the Second World War. Since the these figures do not include warrants issued to MI5, MI6 and

(see Footnote on p22)	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
581	732	874	998	947	997	1,142	1,456	1,935	2,299	2,330	3,102	3,351	3,748
66	82	92	122	100	138	228	256	268	288	292	325	3427	3,748
581	815	966	1,120	1,047	1,135	1,370	1,712	2,203	2,587	2,622	2,922	3,427	3,748

England & Wales Scotland total

Thus the correct figures for the extent of admitted communication surveillance (warrants plus modifications) is as follows:

England & Wales	Scotland	Total
1998 172	not applied	172
1999 565	not applied	565
2000 722	not applied	722
2001 1,788	194	1,982
2002 1,885	258	2,143

However, from July 1998 a major change in the interpretation of the 1985 Interception of Communications Act (IOCA) meant that where previously any change to the initial warrant (eg: a person moved or changed phone numbers), known as a "modification", led to a new warrant being issued for all instances concerning serious crime. This means that in order to get historically comparative total figures the number of "modifications" carried out each year need to be added to the number of initial warrants. The additional figures, post July 1998, for "modifications" are:

England & Wales	Scotland	Total
1994 947	100	1,047
1995 997	138	1,135
1996 1,142	228	1,370
1997 1,456	256	1,712
1998 1,763	268	2,031
1999 1,734	288	2,022
2000 1,608	292	1,900
2001 1,314	131	1,445
2002 1,466	139	1,605

From these figures it would seem that warrants for the surveillance of communications (telephones etc) and mail-opening have dropped significantly after 2000.

story of Britain's secret killing machine in Northern Ireland in 1999 (Mainstream Publishing), but only after a delay of two years and the deletion of material from several chapters at the insistence of the MOD. The book claims that its title 'Ten Thirty-Three' refers to Nelson's secret code number but this is not the case. Part of the game of obfuscation is to set up false leads of names - Stakeknife or Steakknife; Force Reaction Unit, Force Reconnaissance Unit, Field Research Unit, Joint Services Group or Joint Support Group are all examples.

Davies claims that FRU was set up in the early 1980s. One of its forerunners was the Mobile Reaction Force, a unit that was quickly disbanded 'before questions could be asked as to why the squad appeared to have a licence to kill'. MRF's functions were taken over by 14th Intelligence Company, a unit under the control of, and largely staffed by, the SAS. FRU was established as an elite military intelligence unit and operatives were trained by 14th Intelligence and the SAS. FRU had up to 80 officers and about 100 support staff. It became the most important source of high grade human intelligence and the products of its work were passed upwards to the Joint Irish Section and on to the Joint Intelligence Committee in London. FRU, the SAS and 14th Intelligence were operationally coordinated by the Tasking and Coordinating Group, in theory linking M15 with Army Intelligence and RUC Special Branch information. In practice, FRU often acted independently. It often put out 'restriction orders', cleared by the TCG, which meant that all police and military personnel had to leave the designated area. Loyalist gunmen were thereby free to move into republican districts, carry out shootings and escape.

It is tempting to regard the whole FRU scandal as belonging to the 'dirty war' in the decades prior to the mid-1990s but special intelligence-led operations continue to dominate policing. As one member of the Stevens' investigation team commented to the Guardian in June (14th) 2002, the agencies are so obsessed with gathering intelligence that 'there's no attempt to keep law and order. That is the story of what is going on in Northern Ireland at the moment, not what happened more than ten years ago.'

The present government seems determined to delay for as long as possible the holding of a public inquiry in to the role of FRU or any aspect of its involvement in a substantial number of killings in Northern Ireland. It is incomprehensible why, for example in the Finucane and Lambert cases, the government delays holding a judicial public inquiry, given Stevens' conclusion that 'there was collusion in both murders and the circumstances surrounding them'.

## Conclusion

For the past eighteen months, Canadian Judge, Peter Cory, has been looking through documents relating to six controversial killings in which collusion has been alleged. This exercise, carried out at the behest of the British and Irish governments, is widely seen as a further delaying tactic. On 7th October (2003), Cory presented his findings but even his recommendations will remain secret for several months until the British and Irish government decide on the information that can be published. It may be that Cory recommends the holding of a 'truth commission' as a way of making the acknowledgement of state killings reliant on voluntary testimony. Alternatively, an inquiry held along the lines of the Bloody Sunday inquiry would provide immunity from prosecution for the key operatives involved and give the MOD similar scope for defending them.

There is a long way to go before the governments and ministers who presided over FRU's activities are brought to account for the murders it colluded in. The fact that the FRU scandal has not shaken the British political establishment suggests the long hard fight to expose the true nature of secret counter terrorist intelligence units is far from over.

Evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that people have been killed or seriously injured.'

It is no surprise that it took Stevens fourteen years to reach this conclusion and to air it publicly. The only surprise is that he has been able to withstand the pressures and has not had his career ruined. Stevens' investigations have been obstructed on several occasions and he devotes a chapter to the subject in his report. Stevens writes, 'throughout my three Enquiries I recognised that I was being obstructed. This obstruction was cultural in its nature and widespread within parts of the Army and the RUC.'

FRU was central in obstructing Stevens, once it was clear that Stevens wanted to arrest Army agent Brian Nelson who was acting as head of intelligence for the largest loyalist group, the Ulster Defence Association, at the time of Finucane's murder. FRU took Nelson's intelligence records (which FRU itself had been instrumental in creating and organising) into 'safeguarding' in an effort to prevent Stevens finding out the significance of Nelson's role. FRU also tipped Nelson off that Stevens was about to arrest him.

There was a clear breach of security before the planned arrest of Nelson and other senior loyalists. Information was leaked to the loyalist paramilitaries and the press. This resulted in the operation being aborted. Nelson was advised by his FRU handlers to leave home the night before.' (Stevens Report, p. 13)

A fresh date was set for Nelson's arrest but the night before, there was a fire in Stevens' incident room which was 'never properly investigated' and which Stevens regards as 'a deliberate act of arson'.

At the time of Stevens first investigation he sought to examine certain documents (most likely the contact records of agent handlers) but was told in writing that these did not exist. This was a lie and some of the records were eventually handed over to Stevens as recently as November 2002.

## FRU: hidden from public scrutiny

Alongside this obstruction, the Ministry of Defence and successive governments have worked hard to prevent any information about FRU from reaching the public domain. As recently as 16th May 2003, the Secretary of State for Defence refused to answer a parliamentary question which merely asked when FRU was established, when it was disbanded and what its mission was. No answers were given and all that exists as a 'mission statement' is the FRU's motto - 'Fishers of Men'. FRU has now been renamed as the Joint Support Group. While most of the recent revelations about FRU have come in the context of Finucane's murder, FRU's activities, or those of similar units, to overthrow the Wilson government as part of the Clockwork Orange operation (see Paul Foot's book, Who Framed Colin Wallace? Macmillan 1989).

The only point of substance to have emerged from parliament was that Stevens had by May 2000 interviewed 15 former members of FRU. In December 2000, the Defence Secretary was asked about the number and costs of legal proceedings against newspapers designed to prevent information about FRU being published - information supplied by ex-agents who have been campaigning for better treatment (eg pensions) by the MOD. At the time five court hearings had been held preventing the Mirror Group Newspapers and specifically the Sunday People and the Sunday Times from printing stories about FRU.

**Secret, undercover and "independent"**  
Former foreign editor of Mirror Group Newspapers, Nicholas Davies, succeeded in publishing 'Ten Thirty-Three, the inside